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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/837,055 | 04/18/2001 | Masahide Hirasawa | B208-1132 | 9180 |

26272 7590 10/04/2006

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EXAMINER

SHAW, PELING ANDY

ART UNIT PAPER NUMBER

2144

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 09/837,055 | Applicant(s) HIRASAWA, MASAHIRO | |
| | Examiner Peling A. Shaw | Art Unit 2144 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 10-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>06/26/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/26/2006 has been entered. Claims 1-3, 11-13 and 15 are amended. Claims 7 and 14 are cancelled. Claims 1-3, 10-13 and 15 are currently pending.
2. Amendment received on 12/12/2005 was entered. Claims 1-3, 7 and 10 were amended. Claims 4-6 and 8-9 were cancelled. Claims 11-15 were new.

Priority

3. This application has claimed priority on JAPAN 119029/2000 04/20/2000. The filing date is 04/18/2001.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 10-13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Seong (US 6785720 B1), hereinafter referred as Seong.

- a. Regarding claim 1, Seong disclosed a communication control apparatus (column 1, lines 21-26: set-top box) comprising: a first port which connects to said first segment of a network (column 1, lines 46-53: connection between devices); a second port which connects to said second segment of a network (column 1, lines 46-53: connection between device); a CIP header detecting unit adapted to detect whether or not an isochronous packet received by said first port includes a CIP (common isochronous packet) head conforming to IEC 61883 standard (Fig. 1-3; column 1, line 46-column 2, line 10: IEC 61833 over IEEE 1394 to provide control and connection management of A/V using IPCR and OPCR, IEC 61883 define CIP header structure, CIP header has information on source stream); and a control unit adapted determine, using the CIP header, whether or not to allow relaying the isochronous packet received by said first port to said second port, if it is detected by said CIP header detecting unit that the isochronous packet received by said first port includes the CIP header (column 5, lines 47-67: OPCR to control the channel).
- b. Regarding claim 2, Seong disclosed a communication control apparatus according to claim 1, wherein if relaying the isochronous packet received by said first port to said second port is not allowed, said control unit controls to provide another isochronous packet to the second port in lieu of the isochronous packet received by said first port (column 5, lines 47-67: OPCR to control the channel).

- c. Regarding claim 3, it is well known that dummy data or null data are used when there is no data to be transmit over an isochronous channel, e.g. per IEEE 1394.
- d. Regarding claim 10, Seong disclosed a communication control apparatus according to claim 1, wherein said first and second ports conform to the IEEE 1394-1995 standard (Fig. 1-3; column 1, line 46-column 2, line 10: IEC 61833 over IEEE 1394).
- e. Claims 11-13 and 15 are of the same scope as claims 1-3 and 10. These are rejected for the same reasons as for claims 1-3 and 10.

Seong disclosed all limitations of claims 1-3, 10-13 and 15. Claims 1-3, 10-13 and 15 are rejected under 35 U.S.C. 102(e).

Response to Arguments

5. Applicant's arguments dated 06/26/2006 with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

- a. Applicant has amended claims and submitted an IDS identifying IEC 61883-1.

Examiner has reviewed the amended claim changes against the previously applied prior art and applicant supplied IDS and found the previously applied prior arts are still applicable, particularly Seong. Examiner also found applicant supplied IDS is rather relevant to the claimed invention. However, the prior art Seong is chosen to show the disclosure of all limitations on the amended claim language as above.

Gerszberg, Johnson, Stallkamp and applicant supplied IDS are noted below in the Remarks section as reservations for further prosecution.

- b. It is examiner's position that applicant has described a device and a method to connect devices per IEC 61833 over IEEE 1394. Both IEC 61833 and IEEE 1394 are well known industrial standards. Seong has substantially disclosed the claimed invention as particularly pointed out for audio/video connection application.
- c. As applicant has argued that Seong disclosing using OPCR, not CIP header, examiner has reviewed Seong in its description of OPCR, CIP header in respect to IEC 61833 and IEEE 1394. Examiners has found that Seong discloses (column 1, line 46-column 2, line 10) an art using IEC 61883 over IEEE 1394 in providing connection management; IEC 61883 specifies IPCR and OPCR to perform connection management between digital devices; IEC 61883 defines common isochronous packet CIP header structure. Applicant had further argues that does not teach "a control unit

adapted determine, using the CIP header, whether or not to allow relaying the isochronous packet received by said first port to said second port, if it is detected by said CIP header detecting unit that the isochronous packet received by said first port includes the CIP header". Examiner has updated the rejection as above and believe the cited reference does show applicant argued limitations.

- d. It is the Examiner's position that Applicant has not submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to claim as broadly as possible their invention, it is also the Examiner's right to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique (see item a in section 4). As the claimed invention seems to draw a direct interpretation what is to be done according to and thus conforming industrial standards as applied to specific application. The cited prior art has also shown all limitation as claimed. It is clear that Applicant must be able to submit claim language to distinguish over the prior arts used in the above rejection sections that discloses distinctive features of Applicant's claimed invention. It is suggested that Applicant compare the original specification and claim language with the cited prior art used in the rejection section above or the Remark section below to draw an amended claim set to further the prosecution.

Art Unit: 2144

- e. Failure for Applicant to narrow the definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant's intent to broaden claimed invention. Examiner interprets the claim language in a scope parallel to the Applicant in the response. Examiner reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Remarks

6. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.

- a. Johnson et al. (US 5584039 A) System for coordinating execution of multiple concurrent channel programs without host processor involvement using suspend and resume commands to control data transfer between I/O devices
- b. Gerszberg et al. (US 6396531 B1) Set top integrated visionphone user interface having multiple menu hierarchies
- c. Stallkamp (US 6522649 B1) Method of distributing video reference signals as isochronous network packets
- d. IEC 61883-1, Consumer audio/video equipment-digital interface-Part 1: General, First edition, 1998-02, pp.1-77

Art Unit: 2144

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

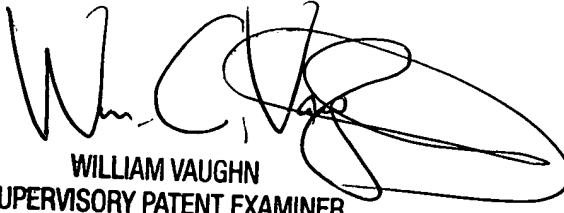
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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